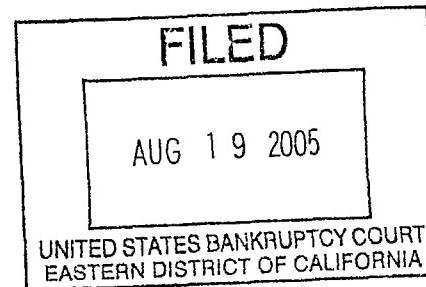


(3)



UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re) Case No. 05-20967-C-7
CLAIRE E. HAMILTON,) DC No. JRR-01
Debtors.)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON TRUSTEE'S OBJECTION TO DEBTOR'S EXEMPTION**

The debtor claimed \$30,429 as exempt. Of that sum, \$11,754 was claimed exempt under California Code of Civil Procedure § 703.149(b)(5). The trustee has no objection to that claim of exemption.

The debtor also claimed \$18,675 under California Code of Civil Procedure § 703.140(b)(11)(D). The trustee objects to this claim of exemption.

The key question is whether the causes of action embodied in the Amended Complaint in case number 03-AS-04326 under California Government Code § 8547.8 and California Labor Code § 1102.5, filed in the Sacramento County Superior Court on September 8, 2003, authorizes an award of damages for "personal bodily injury" or compensation for actual pecuniary loss within the meaning California Code of Civil Procedure § 703.140(b)(11)(D).

The court is persuaded that the pertinent statutes upon

(24)

1 which the debtor founds her causes of actions do not permit
2 an award that satisfies the requirements of the exemption
3 statute. Thus, the objection to exemption will be
4 sustained.

5 In addition, the court notes that the total amount of
6 the debtor in this bankruptcy case is approximately \$26,000
7 and that, if the cause of action has the value that the
8 debtor asserts, the need to exempt the property may be
9 mooted by the debtor's eligibility to distribution under 11
10 U.S.C. 726(a)(6).

11 An appropriate order will issue.

12 Dated: August 19, 2005

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15 UNITED STATES BANKRUPTCY JUDGE
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1 **CERTIFICATE OF SERVICE**

2
3 On the date indicated below, I served a true and
4 correct copy(ies) of the attached document by placing said
5 copy(ies) in a postage paid envelope addressed to the
6 person(s) hereinafter listed and by depositing said envelope
7 in the United States mail or by placing said copy(ies) into
8 an interoffice delivery receptacle located in the Clerk's
9 Office.

10
11 Claire Hamilton
12 3910 Auburn Blvd. #60
13 Sacramento, CA 95821

14
15 David Fox
16 5650 Marconi Avenue #21
17 Carmichael, CA 95608-4468

18
19 John Roberts
20 P.O. Box 1506
21 Placerville, CA 95667-1506

22
23 Office of the United States Trustee
24 United States Courthouse
25 501 "I" Street, Suite 7-500
26 Sacramento, CA 95814

27
28 **** and all other interested parties ****

29
30 Dated: 8/22/05

31
32 Marilyn Rigsby
33 Deputy Clerk